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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO:
10/622,169	07/18/2003	Hans D. Baumann		2165

7590 03/17/2005  
Hans D. Baumann Ph.D.  
32 Pine Street  
Rye, NH 03870

EXAMINER

BASTIANELLI, JOHN

ART UNIT PAPER NUMBER

3751

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/622,169	BAUMANN, HANS D.	
	Examiner	Art Unit	
	John Bastianelli	3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2003.
- 2a) ☐ This action is FINAL.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5 and 7-11 is/are rejected.
- 7) ☒ Claim(s) 3 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 22. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. The disclosure is objected to because of the following informalities: On page 4, 3<sup>rd</sup> line from the bottom of the page, "steeped" should be --stepped--. Appropriate correction is required.

***Claim Suggestions***

4. Claim 3, line 3 of the claim, "steeped" should be --stepped--.

***35 USC § 112 6<sup>th</sup> Paragraph***

5. Applicant has invoked 112 6<sup>th</sup> by using the terms "means" in the claims. Please identify in the specification to where the applicant is referring.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-2, 4-5, and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Bonnefous US 6,089,255.

Bonnefous discloses a balanced plug valve having a housing having fluid conducting inlet 3 and outlet ports 9 and an upper terminating surface, said housing having an essentially central, vertical bore with a number of stepped diameter portions one of which straddles said inlet and outlet ports and forming a first seating surface 4 and where a second stepped diameter has a

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second seating surface 5, a valve plug 10, 11 slidably arranged within said vertical bore and having stepped diameter portions capable of engaging said first and second seating surfaces when in the lowest sliding positions closure means suitably fastened to the upper terminating surface of said housing capable of preventing fluid egress from said housing bore, and means to motivate said valve plug. The valve plug has a bore 16a capable of communicating fluid from below the first seating surface to above the second seating surface. The closure means is a bonnet P having a lower flat terminating surface engaging a complimentary configuration of the upper end of the housing and is seen as having a flat gasket located below the flat, terminating surface (did the applicant mean to say that it engages the flat, terminating surface?). The valve plug has a lower, terminating contoured configuration capable of forming a variable restriction. The means to motivate is a cylindrical valve stem and is seen as having an adjustable packing. The stepped diameter portion of the housing bore located above the first seating surface provides a close fit guiding surface of the valve plug.

8. Claims 1, 4, 7-8 and 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Patterson US 208,986.

Patterson discloses a balanced plug valve having a housing having fluid conducting inlet B and outlet ports C and an upper terminating surface, said housing having an essentially central, vertical bore with a number of stepped diameter portions one of which straddles said inlet and outlet ports and forming a first seating surface E and where a second stepped diameter has a second seating surface F, a valve plug L slidably arranged within said vertical bore and having stepped diameter portions capable of engaging said first and second seating surfaces when in the lowest sliding positions closure means suitably fastened to the upper terminating surface of said

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housing capable of preventing fluid egress from said housing bore, and means to motivate said valve plug. The closure means is a bonnet P having a lower flat terminating surface engaging a complimentary configuration of the upper end of the housing and is threaded. The valve plug has a lower, terminating contoured configuration capable of forming a variable restriction. The means to motivate is a cylindrical valve stem.

### *Allowable Subject Matter*

9. Claims 3 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: The primary reason for the allowance of the claim 3 is one of the ports being angled between 30 and 50 degrees to the horizontal and intersecting one of the stepped diameter bores that provides an elliptical opening partially exposed by the valve plug at the highest position in combination with the device as cited in claim 1. The primary reason for the allowance of the claim 6 is a thin, flexible metal washer is placed under the flat terminating surface of the bonnet in combination with the device as cited in claims 1 and 4.

### *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kajitani and Konsky disclose a valve plug with multiple seating surfaces. Bedo

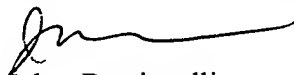
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discloses an angled port. Pratt and Illing disclose a valve piston with a bore extending inside of it.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Bastianelli whose telephone number is (571) 272-4921. The examiner can normally be reached on M-F (9:00-6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
John Bastianelli  
Primary Examiner  
Art Unit 3751

  
JB

March 15, 2005